

REMARKS

This is intended as a full and complete response to the Office Action dated April 25, 2005, having a shortened statutory period for response set to expire on July 25, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-24 remain pending in the application and are shown above. Claims 25 and 26 stand withdrawn by the Examiner. Claims 1-24 are rejected by the Examiner. Reconsideration of the rejected claims is requested for reasons presented below.

Election Restrictions

During a telephone conversation with Bruce Patterson on March 20, 2005, a provisional election was made with traverse to prosecute Group I, claims 1-24. Applicants hereby affirm provisional election of Group I without traverse.

Claim Objections

The Examiner objected to claims 5, 7, 11, and 13 because the phrase "the plug portion" should be changed to "the plug assembly". Claims 5, 7, 11, and 13 have been amended accordingly. Withdrawal of the objection is respectfully requested.

The Examiner objected to claim 8 as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicants have cancelled claim 8. Withdrawal of the objection is respectfully requested.

Claim Rejections – 35 USC § 102(b)

The Examiner rejected claims 1, 2, 4, 8-11, and 15-17 as being anticipated by *Tolman, et al.* (6,394,184). Applicants respectfully traverse the rejection.

Tolman, et al. discloses an apparatus for stimulating multiple formation intervals, whereby the apparatus includes a treatment portion and a plug portion. In operation, the apparatus disclosed in *Tolman, et al.* is positioned above a treated portion and then the plug portion is activated to isolate the treated portion from an untreated portion. *Tolman et al.* does not disclose equalizing the pressure between the untreated portion

of the wellbore and the surface of the well as recited in claim 1. In fact, *Tolman, et al.* states that after the stimulation process, the apparatus is removed from the well and then the well can be immediately placed in production (See Tolman, et al., col. 19, lines 5-10).

Furthermore, *Tolman, et al.* does not disclose isolating a treated portion from an untreated portion of the wellbore by removing a portion of the selective treatment assembly from the wellbore. In contrast, the treated portion is first isolated from the untreated portion by the activation of the plug portion disclosed in *Tolman, et al.* and then the apparatus is moved in the wellbore. (See Tolman, et al., col. 19, lines 41-48) For these reasons, *Tolman, et al.* can not be used to anticipate claims 1, 2, 4, 8-11, and 15-17. Applicants, therefore, submit that claims 1, 2, 4, 8-11, and 15-17 are in condition for allowance and respectfully request withdrawal of the § 102(b) rejection.

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 5, 7, 18-19 and 21-24 as being unpatentable over *Tolman et al.* in view of *Baker* (4,372,393). Applicants respectfully traverse the rejection.

Claims 5 and 7 depend from claim 1. As set forth above, *Tolman, et al.* fails to teach or suggest all the limitations in claim 1. Similarly, *Baker* fails to teach or suggest all the limitations of claim 1. Claims 18-19 and 21-24 include the limitations of equalizing the pressure between the untreated portion of the wellbore and the surface of the well and removing the selective treatment assembly from the wellbore. As set forth above, *Tolman, et al.* fails to teach or suggest equalizing the pressure between the untreated portion of the wellbore and the surface of the well and then removing the selective treatment assembly from the wellbore. Similarly, *Baker* fails to teach or suggest the limitations of equalizing the pressure between the untreated portion of the wellbore and the surface of the well and removing the selective treatment assembly from the wellbore. For these reasons, neither *Tolman, et al.* and/or *Baker* can be used to render claims 5, 7, 18-19 and 21-24 obvious. Applicants, therefore, submit that claims 5, 7, 18-19, and 21-24 are in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

The Examiner rejected claims 6 and 20 as being unpatentable over *Tolman, et al.* in view of *Baker* as applied to claims 5 and 18 and further in view of *Simpson* (6,457,532). Claim 6 depends from claim 1 and claim 20 depends from claim 18. As set forth above, *Tolman, et al.* and/or *Baker* fail to teach or suggest all the limitations in claims 1 and 18. Similarly, *Simpson* fails to teach or suggest all the limitations of claims 1 and 18. For this reason, neither *Tolman et al.* and/or *Baker* and/or *Simpson* can be used to render claims 6 and 20 obvious. Applicants, therefore, submit that claims 6 and 20 are in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

The Examiner rejected claim 12 as being unpatentable over *Tolman, et al.* Claim 12 depends from claim 1. As set forth above, *Tolman, et al.* fails to teach or suggest all the limitations in claim 1. For this reason, *Tolman, et al.* can not be used to render claim 12 obvious. Applicants, therefore, submit that claim 12 is in condition for allowance and respectfully request withdrawal of the § 103(a) rejection.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Tolman, et al.* (6,394,184) in view of *Rosenthal* (3,642,064). Claim 13 depends from claim 1. As set forth above, *Tolman, et al.* fails to teach or suggest all the limitations in claim 1. Similarly, *Rosenthal* fails to teach or suggest all the limitations of claim 1. For this reason, neither *Tolman, et al.* and/or *Rosenthal* can be used to render claim 13 obvious. Applicants, therefore, submit that claim 13 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

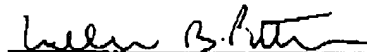
Conclusion

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

PATENT
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Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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